



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-64**

October 1, 2004

Richard & Jenny Morgan
6922 Tolling Bells Ct
Columbia, MD 21044

RE: File #2000-01743 Black Cat Island, Moultonborough Tax Map 27, Lot 24

Dear Mr. and Ms. Morgan

On August 27, 2004, personnel from the New Hampshire Department of Environmental Services conducted a field inspection on property you own in Moultonborough, NH, identified as Town of Moultonborough Tax Map 27, Lot 24 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, RSA 482-B, Rules Env-Ws 1400, and the NH Code of Administration and Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. An "h" shaped seasonal non-conforming docking facility is currently installed on the frontage without a permit.
2. A retaining wall and beach was constructed without a permit.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a dimensioned or drawn to scale restoration plan to DES for review and approval. The restoration plan shall include:
 - A. The permanent removal of the seasonal "h-shaped" docking facility and walkway.
 - B. The removal of retaining wall and beach and restore bank to previous natural condition.
 - C. The installation of appropriate erosion controls (silt fence, hay bales, turbidity curtains, etc) during restoration until bank is stabilized.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.
3. Submit photos of the completion of the restoration to the frontage by May 31, 2005.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9260

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit —
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
USACOE